

Ray Lewis vs British International Pictures Action, Supreme Court, Toronto

CANADIAN MOVING PICTURE DIGEST

Vol. 24, No. 32

TORONTO 2, CANADA

December 3rd, 1932

"PROSPERITY" IS HERE!



THE FUN BEGINS!

NEW HAVEN—Beats "Grand Hotel" and "Smilin' Through."

HARTFORD—Way ahead of everything!

BRIDGEPORT—Ties "Grand Hotel." Beats "Smilin' Through."

WORCESTER—Phenomenal! Beats even "Emma"!!!

SPRINGFIELD—Another spot where "Emma" figures are topped!!!

CHICAGO—Extended run starts like a whirlwind!

DETROIT—Exceeding "Smilin' Through" by wide margin!

THANK YOU MARIE DRESSLER—POLLY MORAN FOR ANOTHER M-G-M SMASH!

PUBLISHED BY

CANADIAN MOVING PICTURE DIGEST COMPANY LIMITED

259 SPADINA AVENUE, TORONTO 2



A "SHORT" STORY of BROADWAY

*It will take you One
Minute to read it!*

At the CAPITOL THEATRE,

M-G-M SPORT CHAMPION "Football Footwork"

At the ROXY THEATRE,

M-G-M SPORT CHAMPION "Snowbirds"

At the RIVOLI THEATRE,

M-G-M HAL ROACH COMEDY—ZASU PITTS AND THELMA TODD
in "Show Business"

At the NEW YORK THEATRE,

M-G-M SPORT CHAMPION "Blocks and Tackles"



THOSE GALS!

Pitts and Todd are pulling a Laurel-Hardy! Bigger and bigger every day. The N.Y. Daily Mirror reviews them above the feature (not M-G-M!) saying: "THEY ARE WORTH THE PRICE OF ADMISSION!"

SHORT *but Sweet!* M-G-M

"Maid of the Mountains" British Empire Films B.I.P. Picture opens tremendous business Uptown, Toronto

Canadian Moving Picture DIGEST

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Exhibitors

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RAY LEWIS
Editor and Managing Director

259 Spadina Ave., Toronto

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IMPERIAL ECONOMIC RESULTS



"COMMERCE Reports", issued by the Bureau of Foreign & Domestic Commerce, United States Department of Commerce, states that the majority of British

Preferential Agreements which were under consideration and deliberation, at Ottawa, last August, are now operative. All but three, of the British areas, which had representation at Ottawa, have ratified agreements within their own territories, as set forth at the Ottawa Conference, wherein the necessary measures have been taken to give Empire products tariff preferences, or other trade advantages over foreign goods, in their respective markets. The United Kingdom, Canada, Australia, New Zealand, South Africa, Southern Rhodesia, have all presented the treaties to their Parliaments and have carried them. The Irish Free State, Newfoundland, British India have not yet placed the proposed protective agreements before their legislatures; and the United Kingdom has not yet made the quota restrictions on imports of meats operative, nor has the U.K. as yet introduced the proposed preferences on copper, rice, salmon, etc., in accordance with the Commerce Reports.

The Federated Malay States and several of the British West Indies territories, Jamaica, Trinidad, Bahamas have co-operated with the request by Great Britain for the adoption, or enlargement of tariff preferences in favour of Dominion products. This in order to make the plans for a stimulation of Inter-Empire trade Empire-Wide in its scope.

The greater majority of the increased trade preferences to Empire products are being arranged through a higher tariff wall, and restrictions on competitive products from foreign countries.

So far we have heard nothing further of the suggestions as left by Film representatives. Meanwhile, British producers have made arrangements for the distribution of their product throughout the Empire. In Canada the market has been opened for British Films extensively,

all British Trademarks, large and small, having entered into agreements for the distribution of their product through some distributing channel in Canada.

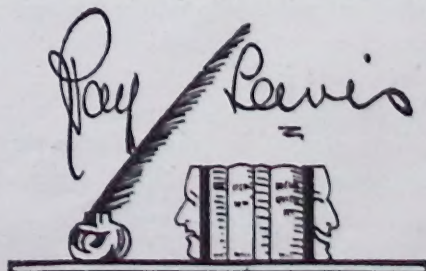
Famous Players have opened their theatres to British product also, and it is not unusual to find British Pictures frequently enjoying runs in Key Centres and at Key Houses.

This may be due to the fact that the American distributors are always "ready for business"; and if Canada wants British Films and will pay for them at the box-office, money talks there with an English or American accent. It is now "up to the public".

PROSPERITY

PROSPERITY was built for laughter, and Marie Dressler and Polly Moran were both built sufficiently ample to accommodate, or personify "Prosperity". There is nothing like a good laugh to back up the old belief, "Laugh and the world laughs with you". "Prosperity", Leo's "Prosperity", was sufficiently prosperous to stay for two weeks at Loew's, Toronto; and someone said that our Government could not do better than to tie-up with "Prosperity" in order to make the people believe that the Famous Corner, around which Prosperity lingered, had now been turned in order to make "Prosperity" navigate.

If every laugh is worth a dollar, then Toronto is richer by many laughs as a result of "Prosperity", in fact some of us, after visiting Loew's, laughed all our troubles away; and began to talk good times and "Prosperity". It is the right kind of a picture, for release right now; and let us not forget that you can wave the M-G-M Banner, so familiar to your patrons in its association. Dressler and Moran in the same picture are too good to talk about, they are what might be termed "a natural".



RAY



RAY LEWIS

PRESENTS

ANOTHER executive steps out of a major producing and distributing company, as a result, it is reported of "honest differences of opinion over sales policies".

Our readers will remember that Mr. Joe Brandt severed his connections with World Wide for the same reported reason. The executive involved in the latest move is James R. Grainger who was Vice-President in charge of Fox distribution, and who had supervision of sales generally in Canada.

John D. Clark has been appointed by President S. R. Kent to take over Mr. Grainger's duties while Grainger takes a sixty day leave of absence.

Mr. Clark left for a survey of the fifteen Fox exchanges in the middle Southern and Western States. He was accompanied on his trip by W. J. Kupper, in charge of sales for the Western and Canadian divisions.

Mr. Kent is reported to have made the following statement: "Mr. Grainger's future status will be decided during the period of his absence. Our good will follows him wherever he may finally go."

Mr. Grainger, familiar to the trade in Canada, is reported to have been with Fox Films since March, 1924. H. J. Ballance, who was appointed District Manager, for the Southern territories, was with Paramount for 16 years.

Saul E. Rogers is Counsel for Mr. Grainger, and is representing Mr. Grainger in the negotiations for a settlement of the Grainger-Fox contract.

It is interesting in Film business to note the various changes which occur in the personnel of companies, as men move across the Checker Board of Power. When an executive assumes control, he appears to surround himself with "his men". For instance in the Warner-First National alliance, the First National men stepped in and the old Vitagraph men stepped out. With Mr. Kent, in executive power, it is likely that we will find a number of Paramount men stepping into vacancies created for them; and that Fox men will step out.

As Mr. Joe Brandt and Mr. Grainger explained, "Difference of opinion in policies".

Each executive has his own ideas in regard to production and distribution, he has trained his men and their staffs under his policies; and the fact that a man is obliged to step out is no indication that his ability has depreciated, or is being discounted, it is entirely due to the "politics" governing policies within the Industry.

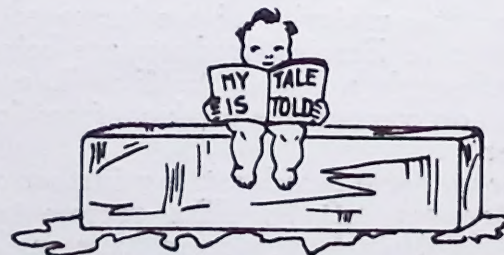
ANY executive, assuming the responsibility of making a success of his office, should be given an opportunity to carry out his policies and plans in accordance with his judgment in the matter. It is hard on those who have to "step out", and in this regard, such changes should not be effected until "tried and faithful servants", long in the service of their companies, are amply provided for by the company heads with which they have been associated.

Pyramiding a company's business from \$100,000.00 to \$1,000,000.00 cannot be paid in a weekly salary, especially is this a consideration when such pyramiding has extended over a period of many years.

We, therefor are inspired to hope that in the readjustments to come; and which cast their shadows before in the handwriting upon the Wall of Economic adjustments, that companies will not only consider the legal rights of men who are forced to step out, but the moral right of the dismissed, and the moral obligation of such dismissals.

It is the principle of the Golden Rule, the best business policy which has ever been introduced into any civilization; and although it does not start off with a dollar sign, a party of the first or second part, involving a specification of figures, it does contain this obligation, "Do unto others as you would have them do unto you."

It is fair for all concerned, and if Business was conducted on this principle, if national and international issues were considered in the light of this Eleventh Commandment, which embodies the rights of all persons as enumerated in the other commandments, including the Rights of God, there would be no Wars, Reparations, no Economic Depressions, but in truth a Kingdom of Heaven upon Earth. That this truth is delivered in a Moving Picture Paper; and not by a Minister, in a Pulpit, does not take from it, "one jot nor tittle", of its truth.



Theatre Thief gets Five Years Hard Labour, Winnipeg

Alleged Breach Involves \$550,000 Damage Action

*Ray Lewis and British International Films of Canada, Limited, vs. British International Pictures Action
On Trial Supreme Court, Toronto.*

THE action of Ray Lewis and British International Films of Canada, Limited, against British International Pictures, Limited, and British International Pictures (Export), Limited, was set for trial before Justice Raney, Supreme Court, Toronto, Wednesday, November 30th.

The plaintiffs respectively claim the return of monies advanced, and \$550,000 for an alleged breach of contract. Ray Lewis was the first witness called, and occupied the witness box for a period of three consecutive days, Wednesday, Thursday, and Friday.

The plaintiffs are represented by Mr. Peter White, K.C., Senior Counsel, and Messrs. Roebuck & Bagwell, Solicitors.

The defendants are represented by Mr. Arthur Slaght, K.C., and Messrs. McGuire and Boles, Solicitors.

THE action followed negotiations for a five year franchise of B. I. P., feature pictures, which Ray Lewis alleges she secured, last October of 1931, paying £2,000 as the initial cash advance guarantee.

MR. ARTHUR SLAGHT, in his two-day cross-examination of Ray Lewis, presented the Court with several copies of the Canadian Moving Picture Digest, quoting from editorial and news items therein. One was the Daily Mail headline in which Mr. Arthur Dent is alleged to have stated to the Daily Mail that "Miss Lewis had effected one of the most remarkable achievements in the history of British films within the Empire."

Miss Lewis testified that she had engaged offices for British International Films of Canada, Ltd., formed a \$200,000 company which she incorporated under a Dominion Charter, furnished these offices, engaged the services of J. Frank Meyers as Canadian Sales Manager, and proceeded to enter into the actual business of distribution.

Trade Shows of B. I. P.

A TRADE SHOW was given under the auspices of the Hon. George S. Henry, Premier of Ontario, the pictures were duly presented for censorship, other Trade Shows arranged to which exhibitors had been invited, and bookings for theatres across Canada were under negotiation.

MR. A. MAURICE DENT, of London, England, is in Toronto in attendance at the trial. Some merriment was caused in Court when Ray Lewis spoke of "Compromising Daphne". Mr. Arthur Slaght, K.C., persistently referred to this picture in an endeavour to find out more about it, and finally Miss Lewis explained to the Court that Daphne was a lady, who compromised herself to such an extent that she no longer remained a lady.

The Court decided that it had heard enough of "Daphne". However, like Banquo's ghost, she would not down, and the Court was obliged to hear of her again.

Who Betrayed Us.

MR. SLAGHT referred to an editorial in The Digest headed "Who Has Betrayed Us", emphasizing those lines which indicated that Time would disclose the reason for B. I. P.'s alleged breach. Mr. Slaght thundered forth, "Is this true?" To which the witness replied, "It is the truth, and I am not afraid of the truth."

Over 100 exhibits up to the present time have been presented to the Court in addition to invoices, receipts, ledgers, etc., etc., of accounts covering expenses of operation. The case is adjourned until Monday, Dec. 10th, with probably an earlier hearing before Justice Raney, on Dec. 8th. The Courtroom was filled for the hearings. Both sides are represented by important men and the action has attracted considerable interest.

Performing Rights Society Gets Interim Injunction

The Canadian Performing Rights Society, acting for the composer, Walter Donaldson, and the publishers, Donaldson, Douglas and Gumble, Incorporated, of New York, who are alleged to have assigned their rights to the company, secured an interim injunction against the United Amusement Corporation, Limited, under an order of the Superior Court, Montreal. "Hello, Gorgeous", a popular chorus number in the picture, "Blondie of the Follies" was cut from the picture as a consequence.

"Blondie" is being shown at the Seville and Rivoli Theatres. "Hello Gorgeous" is sung twice, but the song will evidently have to run off the sound-track under the Court's order.

The Canadian Performing Rights action arises out of a clause in the distributors' contract with exhibitors whereby the distributors assume responsibility for the payment of royalties to owners of copyrights in musical numbers. Such royalties as paid are only for the production of the song in the film, but evidently do not include exhibition rights, which again brings us to the "sore spot" in releases of such films to exhibitors in Canada. It appears that exhibition royalties are not provided for in production rights.

London Cinemas Open Sundays

London Cinemas are open on Sunday from 6 p.m. giving two shows on that day. There was considerable agitation aroused when theatreowners endeavored to have theatres open on Sunday at 3.30 p.m. This met with strong opposition, those being opposed arguing that the cinemas would lure children away from Sunday school. The theatreowners contended that it would be easier to raise the stipulated sum of £150,000 a year for charity, were the theatres permitted to run three shows instead of the limited two, limited through the fact that the theatres were only allowed to open at 6 p.m. on Sundays.

The public joined in the issue for and against. The issue rests with a decision that theatres must remain closed on Sunday in accordance with the requirements as previously ordered.

"Sunshine Susie" Draws Huge Crowds of Children

The Palace Theatre, Calgary, had a "Sunshine" "Vegetable Matinee", Saturday morning, at 11.30 for children. This as to add supplies to the Food Supply for the needy. Manager Egan states that the result was greatly in excess of all expectations. Over 1,600 children attended and trucks were utilized to carry away the vegetables brought for admission. Two large Herald trucks were filled and the theatre staff and Boy Scouts worked overtime to clear the lobby of vegetables which were brought in sacks, etc. One man brought four children in from the country, and each with a bag of potatoes. Good work!

Parliament meets January 10th, and already deputations of women in Quebec are appearing before Premier Taschereau in an appeal against any change in the act which prohibits children under sixteen from attending cinemas.

Suspect in Hanson Assault Arrested

Fairweather in Nova Scotia

THE New Strand Theatre, Sidney, N.S., has been re-decorated and renovated and has re-opened after being closed for some weeks. The former manager, J. Nathanson of the Sydney Amusement Company, having retired, the management has been taken over by Messrs. N. Mandelbaum and S. Diamond, both of Sydney, N.S.

* * * *

The Rialto Theatre, Saint John, N.B., is now closed for an indefinite period.

* * * *

The Roxy Theatre, Westville, N.S., which has been closed for four months has been taken over by N. W. Mason of New Glasgow, a well known theatre man. This theatre was formerly under the management of L. G. Ferguson.

* * * *

A change has been made in the management of the Casino Theatre at Edmundston, New Brunswick, where the management is now in the name of Mrs. George La Porte, who has taken the place of George La Porte.

* * * *

Mr. J. M. Franklin has been a recent visitor to Saint John, N.B.

* * * *

It was quite a treat to read recently in the Saint John local papers an account of an interesting and educational fact which had been learned from the Movies and put to use. A local man employed as a diver had seen divers phoning to the men above in their ship and had constructed a telephone which has been in use in the waters around Saint John. All credit was given to the motion picture screen for this suggestion.

Chain Theatres Trying "Exclusive Run Policy"

The Vancouver Province reports that major film companies are experimenting with an "exclusive run policy", in order to get their big theatres "out of the red". The proposed plan is to advertise exclusive run of pictures in certain theatres, which will add as a billing, "Never to return". This would indicate that this theatre only will exhibit a certain picture.

The press announces that the experiment is being worked out in the U.S., but not likely to be tried out in Winnipeg. The motive for "exclusive runs", is to stimulate fan attendance toward the big theatres by letting the public know it is of no use waiting to see certain pictures at cheaper prices, since these will not be shown.

Eastern and Southern U. S., and west as far as San Francisco are making a try at this "new idea". It sounds better than it really is, looks like big money for big theatres, but if motion picture is mass production for mass attendance, this policy begins a "high hat Entertainment", which is too high-brow for our Infant Industry.

Another Landmark Goes Modern

The old Gayety Theatre, oft closed, oft re-opened, and always the magnet to a vast crowd of gay 'uns throughout its long and questionable past, remarks our reminiscent Montreal correspondent, has at last surrendered to the trend of modern events, and last week opened as a Moving Picture House with a complete Northern Electric Sound System, under the new ownership of Joe Lightstone, owner of the Orpheum Theatre, Montreal.

Famous Players planning "Canned Soup" Saturday Morning Matinees for Needy



A scene from the U. A. release, "Mischief", with Ralph Lynn and Winnifred Shottler.

(Special to Digest from Winnipeg)

Financed by British and Canadian capital, the Empire Films Limited, has opened an office in Winnipeg, following such operation in St. John, Montreal and Toronto, for the distribution of British International, British Associated Radio and American-made Majestic pictures. Charles M. Weiner has been appointed western division manager, followed by the establishment of exchanges at Calgary and Vancouver, giving a chain of six across the Dominion.

This marks an important step in the Moving Picture Industry in Canada, and it is stated that contracts for the distribution of films through independent theatres have been made for 20 British International, six Associated Radio, made in the United Kingdom; 20 Majestic and 24 Mayfair pictures, as well as one German.

B. F. Lyon, general manager of Empire Films, has been in Winnipeg and explained that the new concern will bring here, among others, "The Maid of the Mountains", "Arms and the Man", "The Fires of Fate", "Brother Alfred" (a comedy), "Lucky Girl" and "Honors Easy"; all of British International make; "The Crusader", "Hearts of Humanity", "The Phantom Express" and "The Unwritten Law", Majestic pictures; and "Her Mad Night", "No Living Witness" and "Monte Carlo Madness", Mayfair pictures.

"The Maid of the Mountains" will be the first release through the new exchange.

United Artists Play Dates

"Magic Night"—Strand, Sydney, N. S., Dec. 5-6; Strand, Truro, N. S., Dec. 12-13; Tivoli, Saskatoon, Sask., Dec. 31-Jan. 3 Out, Jan. 7-9-10 In; Royal, Valleyfield, Que., Feb. 6-7-8. "Self Made Lady"—Orpheus, Halifax, N. S., Dec. 12-13-14. "Thark"—Empire, Victoria, B. C., Dec. 30-Jan. 5.

"The Monkey's Paw"

RKO will shortly release "The Monkey's Paw" which was produced at Hollywood, with practically an all English cast. Reports are to the effect that this is an RKO Winner.



Show Business



New Laurel Hardy Comedy

Laurel and Hardy have completed the third of their series of Hal Roach comedies entitled, "Towed In a Hole", under the direction of George Marshall. The comedians portray a couple of travelling fish-peddlers whose purpose in life is to eliminate the middleman and reap all the profits.

Three more Laurel and Hardy comedies are listed for production during the current season. First two produced are "Scram" and "Their First Mistake", since their return from Europe. Also on the production schedule is an untitled feature comedy.

Irene Dunne and Phillips Holmes for "The Lady"

Charles Brabin will direct "The Lady", with Irene Dunne and Phillips Holmes in leading roles, according to announcement by Metro-Goldwyn-Mayer. This new film is based on Martin Brown's play, "The Lady", which was made as a silent picture some seasons back with Norma Talmadge in the principal role. Miss Dunne will leave New York within a week and production on "The Lady" is scheduled to start as soon as she arrives at the studio.

Warner Bros. announces the signing of Ben Lyon to play the male lead, and Peggy Shannon and Mary Brian for the two leading female leads in "The Blue Moon Murder Case", from the story by S. S. Van Dine.

COMPLETE Theatre Equipment and Supplies

Projectors and Parts.
Motor Generators.
Sound Screens.
Lenses, Carbons, etc.
Everything for the Theatre
from Sheet to Street.

Coleman Electric Co.

258 Victoria St.
TORONTO, ONT.

M-G-M Acquires Rights to Three Stage Plays

Metro-Goldwyn-Mayer announces acquisition of motion picture rights to "Another Language", "He Who Gets Slapped" and "Men Must Fight". "Another Language" is the Arthur J. Beckhard production now in its eighth month at the Booth Theatre. Dorothy Stickney, Glenn Anders, Margaret Wycherly and John Beal have principal roles in the present stage production of Rose Franken's play, with names for the film cast yet to be announced.

Anita Page, Chas. Starrett Leads for "Jungle Bride"

Monogram announces the engagement of the principals for the next melodrama, "Jungle Bride", with the signing of Anita Page, borrowed from Metro-Goldwyn-Mayer, and Charles Starrett, borrowed from Paramount. Eddie Borden is also in the cast. "Jungle Bride", one of the four specials to be issued by Monogram, will be produced by Arthur Beck. Casting is expected to be completed within a week.

Five Educational Shorts at New York Gaiety

The program surrounding "Trailing The Killer", the World Wide feature which just started its premiere engagement at the Gaiety Theatre, New York, consists of five Educational subjects, namely, "Forty Thieves", a Terry-Toon; "The Killer", a Battle for Life; "A Fool About Women", the latest Educational-Andy Clyde comedy; a Hodge-Podge; and a two-reel episode of "The Great Hokum Mystery".

Felix Schoedsack Sails

Felix S. Schoedsack, brother of the famous motion picture explorer and producer, sailed this week on the Excalibur to join the RKO Radio Pictures' expedition which left last week for an unannounced destination in the Near East under the eladership of Ernst B. Schoedsack. The brothers will meet in Marseilles and the two units will then proceed together on their mystery mission to film, in its native background, a story prepared in collaboration with Merian C. Cooper at the RKO Radio Studios.

Gloria Stuart in "Private Jones"

Carl Laemmle, Jr., has assigned Gloria Stuart, Universal's blonde featured actress who recently completed a role in "Laughter in Hell", to the feminine lead opposite Lee Tracy in "Private Jones", the Richard Schayer story scheduled to go before the cameras next week.

New Swanson Picture

Due to the success of "Perfect Understanding", which she has just completed in England, Gloria Swanson is planning to make a second picture in Europe, this time in France, according to advices received from London.

THEATRE WANTED

Will lease or buy theatre in small town in Ontario where there is no opposition. Reply giving full particulars.

BOX 7 — DIGEST

Toronto Theatres

LOEW'S—Manager Jules Bernstein — Marie Dressler and Polly Moran in "Prosperity", a Metro-Goldwyn-Mayer picture.

UPTOWN—Manager Tom Daley — "Tess of the Storm Country", a Fox picture starring Janet Gaynor and Charles Farrell.

IMPERIAL—Manager H. V. Knevels — "If I Had a Million", a Paramount picture with Jack Oakie, Gary Cooper and other stars.

TIVOLI—Manager M. J. Doyle—"Doctor X", First National-Warner Bros. picture.

SHEA'S—Manager Jerry Shea — "Hot Saturday", a Paramount picture with Nancy Carroll and Cary Grant.

Churches, Montreal, to Show Movies—City Pays Costs in Withdrawal of Action

Action! Chills! Comedy! Thrills!

All perfectly combined to make this one of the best pictures of the season. And with its catchy title, splendid cast and the magnetism of Edgar Wallace's name, this can be rated a sure-fire box-office money-getter for any type of theatre. Play it for profit!

IN THE NAME *of* HUMANITY WHO WILL STOP THIS MARRIAGE?

GORDON HARKER
EMLYN WILLIAMS
BELLE CHRYSTALL

— IN —

Edgar WALLACE'S
FINEST SCREEN THRILLER—

The Frightened Lady

TENSE SUSPENSE! PEELS OF LAUGHTER!
THE PICTURE THAT HAS EVERYTHING!



A Regal "Sunshine Group" Picture

Which means that not only is it a good picture, but that it has definite box office drawing power. Play all the "Sunshine Group" pictures. They are the real money-getters!

REGAL FILMS LIMITED, Canadian Distributors

